

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**JUAN ANTONIO ORTEGON,**

**Plaintiff,**

**V.**

**THE COUNTY OF EL PASO, TEXAS;  
ALEX GAMBOA, individually and in his  
official capacity as former constable of  
Precinct 6, El Paso County, Texas; MARIO  
RAMOS, individually and in his official  
capacity as former deputy constable of  
Precinct 6, El Paso County,**

**Defendants.**



**EP-10-CA-337-FM**

## ORDER GRANTING MOTION TO STAY

On this day, the court considered County of El Paso, Texas and Mario Ramos’s (“Defendants”) “Defendants’ Contested Motion for Stay and Brief in Support” (“Motion to Stay”) [ECF No. 21], filed September 2, 2011; Juan Antonio Ortegon’s (“Plaintiff”) “Plaintiff’s Response to Defendants’ Motion to Stay” (“Response”) [ECF No. 22], filed September 16, 2011; and “Defendants’ Reply to Plaintiff’s Response to Contested Motion for Stay and Brief in Support” (“Reply”) [ECF No. 23], filed September 23, 2011. Defendants request the court to stay the proceedings pending the resolution of Mario Ramos’s criminal trial for aggravated assault with a deadly weapon, as the trial involves the same conduct at issue in this case. Plaintiff opposes the Motion to Stay based on the fact that the criminal case has been continued multiple times and also the possibility that Ramos will later be indicted on federal civil rights charges, and Plaintiff argues that a stay would be prejudicial to him because of his health care costs. For the reasons set forth below, the court will grant Defendants’ Motion to Stay.

The court has wide discretion to grant a stay in a civil proceeding.<sup>1</sup> Here, a criminal trial on the same factual issues is scheduled to take place at roughly the same time as the civil trial is scheduled to be

<sup>1</sup> See *In re Ramu Corp.*, 903 F.2d 312, 318 (5th Cir. 1990).

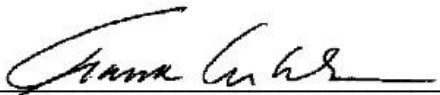
before this court. The court finds that the interest of judicial economy is best served by staying these proceedings pending the outcome of Ramos's criminal case.<sup>2</sup>

The court accordingly enters the following Orders:

1. "Defendants' Contested Motion for Stay and Brief in Support" [ECF No. 21] is **GRANTED**.
2. **All** proceedings, without exception, in the above-captioned cause are **STAYED** until such time as the court orders otherwise.
3. The Clerk of the Court is instructed to administratively **CLOSE** the above-captioned cause.
4. Defendants **SHALL** inform the court of the conclusion of Mario Ramos's criminal trial. If the trial is not completed by **February 1, 2012** the parties **SHALL** update the court by **that date** on the status of the criminal proceedings and the need to continue the stay.

**SO ORDERED.**

**SIGNED** this **28th** day of **September, 2011**.

  
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**FRANK MONTALVO**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> See *Ali v. Quatterman*, 607 F.3d 1046, 1049 (5th Cir. 2010).